

Planning Committee: 06 December 2004
Application No: W 04 / 1312

Principal Item Number: 04

Town/Parish Council: Whitnash
Case Officer: Alan Coleman
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Registration Date: 15/07/2004
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Land at Parish End/St. Fremund Way, Chesterton Drive, Whitnash

Amendment to pp W980166 for the re-plan of approved Plots 71-128 inc, 132-136 inc and 209-240 incorporating an increase in dwellings from 95 no. dwellings to 142 no. dwellings including garages, dwelling courts and all associated infrastructure works.
FOR RPS Design Ltd trading as MRP

SUMMARY OF REPRESENTATIONS

Whitnash Town Council: Object to original and amended proposals on grounds of inadequate community facilities and lack of provision for a local shop and bus route to service the estate. Play equipment should also be provided on open space areas OS1 and OS11.

Highway Authority (amended plans): No objection.

WCC (Ecology): No comment.

WCC (Archaeology): No objection, subject to condition on protective fencing.

WCC (Fire and Rescue Service): No objection, subject to standard water supply condition.

WDC (Environmental Health): *"No objection but would recommend a contaminated land condition requiring the submission of a report and agreement prior to commencement of development, if permission is granted."*

WDC (Housing Strategy): No objection, off-site provision of 8 units at Cottage Close acceptable in principle.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) ENV21 - Development Associated with Ancient Monuments (Warwick District Local Plan 1995)
(DW) ENV22 - Evaluation of the Archaeological Effects of Development Proposals (Warwick District Local Plan 1995)
(DW) ENV22A - Archaeological Investigations in Advance of Development (Warwick District Local Plan 1995)
(DW) H17A - Mobility Housing and the Needs of Disabled Persons (Warwick District Local Plan 1995)
(DW) RL5 - Open Space within New Residential Development (Warwick District Local Plan 1995)
(DW) IMP1 - Infrastructural and Community Requirements Associated with Major Development (Warwick District Local Plan 1995)
(DW) IMP2 - Meeting the Needs of People with Disabilities (Warwick District Local Plan 1995)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP4 - Archaeology (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP5 - Density (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP6 - Access (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP8 - Parking (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP10 - Flooding (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP11 - Drainage (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP14 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011 First Deposit Version)

SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)

SC12 - Community Facilities (Warwick District Local Plan 1996 - 2011 First Deposit Version)

UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)

PLANNING HISTORY

Planning permission for the erection of 290 dwellings on the Chesterton Heights residential expansion area was granted by this 'Committee on 2 March 2000 under application W980166. Planning permission was granted subject to a Section 106 Agreement which secured a range of planning obligations, including provision of affordable housing and contributions to the provision of services by Warwickshire County Council. Phases 1 and 2 of the development have been completed and the dwellings are occupied.

In September 2002 planning permission was granted by this 'Committee for the re-plan of approved plots 184-215 from a mix of 22 no. 2 storey detached, linked-detached, semi-detached and terraced houses to 22 no. 2 storey linked-detached, semi-detached and terraced houses, a 2 storey block of 2 no. 2-bed flats and a pair of 3 storey semi-detached houses (WDC Reference: W20020707).

More recently, planning permission for the re-plan of approved plots within Phase 3 (W03/0393) was granted by this 'Committee at the meeting on 18 June 2003 to increase the number of dwellings therein from 25 to 49, subject to amendments to the original Section 106 Agreement. The decision notice was issued on 14 April 2004 and this phase of the development is currently under construction.

KEY ISSUES

The Site and its Location

The site comprises Phases 4, 5 and 6 of the above development, which is identified as a major housing allocation in the Warwick District Local Plan 1995 under Policy (LW) H2. The site has an area of 3.38 ha. and encompasses the south-east corner of the development adjacent to agricultural land to the south and Whitnash Brook Valley to the east. The topography of the site is such that it is visible across the adjacent field from a public footpath that runs parallel to the southern boundary of the site. However, it is screened from the brook by a mature tree and shrub belt.

Details of the Development

The proposal is for re-plan of approved plots 71-128 (inc.), 132-136 (inc.) and 209-240 (inc.) and would incorporate an increase in the number of dwellings from 95 to 142, including garages, parking courts and all associated infrastructure. This would equate to a density of 41.9 dwellings per hectare and would comprise a mix of 2/2.5 storey 2-4 bed terraced, semi-detached and detached dwellings, together with 31no. 2/3-bed flats in 2no. 2/3-storey detached blocks adjacent to the southern boundary of the site. Three main areas of public open space within the approved layout would also be incorporated into a single, larger area called 'The Square' onto which the larger apartment building would adjoin. The formation of 'The Square' and introduction of the proposed flats represent the main changes to the approved layout and accounts for most of the increase in the number of dwellings. Elsewhere, the development would be broadly consistent with the approved layout, which comprises mainly 2-storey detached and linked-detached dwellings at a density of some 28 dwellings per hectare.

The proposals have been amended to reduce the overall number of 3-storey dwellings to 6, which would stand in the middle of 3no. terraced rows around 'The Square', and to satisfy distance separation guidelines by re-siting dwellings, reducing the height of the smaller apartment building, replacing dormer windows with rooflights to the 'Y' house type and the omission/replacement of windows to the type 'A' flats on plots 1040-1046 (inc.). Revisions have also been made to the road widths, private drive accesses, turning heads and access arrangements to address concerns raised by the Highway Authority.

Assessment

The development Brief for the whole site requires lower densities to be achieved in the more sensitive locations along the eastern and southern boundaries of the site and for development adjacent to these boundaries to be sensitive to the rural character and open nature of these boundary settings. I am therefore conscious that the increase in the density of the proposals from some 28 to 42 dwellings per hectare would not be entirely consistent with the original density requirements of the 'Brief and that the proposed apartment blocks would be more prominent than the detached houses they would replace. However, I do not consider the increase in density would, in itself, equate to harm when assessed in terms of its visual impact in comparison with the approved layout. For example, the mass of development along the southern boundary of the site would, in fact, be reduced by the relative orientation and setting of the larger apartment building away from the field boundary. In relation to the eastern boundary of the site, the number of dwellings proposed would increase from 21 to 25. However, they would share the same building line and be similar in height to those approved.

Notwithstanding the above, I consider the proposals would be consistent with national statements of planning policy in relation to residential development, which supercede the Development Brief, particularly with regard to increasing densities to make more effective use of land released for housing and the provision of housing to meet a broad range of needs. I am also satisfied that the proposals are now acceptable in terms of the technical aspects of the layout. I note too that no objection to the development has been raised on these grounds which reinforces my view on these issues.

The Town Council have also objected on the grounds that community facilities are inadequate to serve the development and that provision should be made for a local shop on the estate, play equipment on the open spaces and a bus route to serve the estate. In this respect Section 3.12 of the Development Brief states: "*The availability of shops, a medical centre, public house and community centre within close proximity to the site obviates the need for such community facilities to be provided as part of the development.*" The proposals would represent a cumulative increase in the total number

of dwellings originally approved by 75 (25.8 %). However, I do not consider that this increase alone would support provision being made within the site.

With regard to the provision of play equipment, this is to be provided on area OS1 under the terms of the original consent. In respect of public transport, Warwickshire County Council have also requested an increase in the contribution by an additional £29,120. The County Council have negotiated with A & M to divert two return flexibus services operating into Leamington town centre via South Sydenham on Tuesdays and Wednesdays. This facility has been introduced at the rate of £40 per day of operation (£4160 per annum) and commenced on Monday 1st November 2004 and will operate for a period of three years. The additional contribution is requested to enable the service to continue for 10 years. However, I consider this additional contribution is disproportionate to the development proposed and is unreasonable, particularly as this figure would exceed the original public transport contribution of £12,000. In my opinion it would be more appropriate to seek a *pro rata* increase in the public transport contribution instead.

In addition, the proposal will trigger the need for a *pro rata* increase in the provision of affordable housing required under the terms of the original Development Brief. This required a 15% provision at that time. Off-site provision for 8 dwellings is proposed on the applicants' site at Marloes Walk/Cottage Close, which is consistent with the original rate of provision (and consistent with the additional 4 affordable units provided at the last replan in 2003 which added 24 units to the development). This is considered acceptable by the Council's Development Officer (Housing Strategy), subject to amending the Section 106 Agreement accordingly. Further amendments will also be required in relation to *pro rata* developer contributions towards education and revisions made to the layout and provision of public open space within the site. However, no policing contribution has been sought.

Whilst I note the consultation responses of WCC (Archaeology) and the WDC (Environmental Health), nevertheless I do not consider either of the suggested conditions are relevant or appropriate to the proposed development since 1) the storm water storage pond has already been constructed and the site of the former medieval mill pool was archaeologically evaluated by Warwickshire Museum in 1998, and; 2) the site is previously undeveloped and a land contamination condition has not been placed on either the original or any subsequent consent.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the policies listed above.

RECOMMENDATION

GRANT subject to an amended Section 106 Agreement in relation to education and public transport contributions, provision of Social Housing and public open space, and to the following conditions :

- 1 The development hereby permitted must be begun not later than the expiration of five years from the date of this permission.
REASON : To comply with Section 91 of the Town and Country Planning Act 1990.

- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawings 12129/03, A-001 Rev. B, C-001 Rev. B, CD, 16 Rev. B, 18 Rev. B, 20Rev. B, 22 Rev. C, SK-'K', SK-'L', 27 Rev. B, SK-'X' Rev. B, SK-'Z' Rev. A, B-006 Rev. A, FC-006 Rev. C, SK-F/D, GB/02, GB/01, 157-102 and specification contained therein, submitted on 15th July 2004,

approved drawings 12129/65A, 66 Rev. A and SK-F/A Rev. A and specification contained therein, submitted on 25th October 2004 and approved drawing 12129/64 Rev. C and specification contained therein, submitted on 17th November 2004 unless first agreed otherwise in writing by the District Planning Authority.

REASON : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policy (DW) ENV3 of the Warwick District Local Plan 1995 and Policy DP1 of the Warwick District Local Plan 1996-2011 (First Deposit Version).

- 3 The construction of the estate roads serving the development including footways, cycleways, verges and footpaths shall not be other than in accordance with the standard specification of the Highway Authority.
REASON : To ensure compliance with the Council's standards.
- 4 No dwelling hereby permitted shall be occupied until the estate roads including footways and cycleways serving it have been laid out and substantially constructed to the satisfaction of the Highway Authority in accordance with the details approved in writing by the District Planning Authority.
REASON : To ensure compliance with the Council's standards.
- 5 The vehicular access to the curtilage of each dwelling shall not be less than 3 metres wide at the highway boundary, or 5 metres wide for shared accesses, as measured from the near edge of the public highway carriageway.
REASON : In the interests of highway safety.
- 6 The gradient of the vehicular access into the curtilage of each dwelling shall not be steeper at any point than 1 in 12 for a distance of 5.5 metres into the site, as measured from the near edge of the public highway carriageway.
REASON : In the interests of highway safety.
- 7 The vehicular accesses to curtilages of dwellings shall not be used until visibility splays have been provided to the rear of the prospectively adoptable highway footway with an 'X' distance of 2.4 metres and 'Y' distances of 4.2 metres. No structure, erection, trees or shrubs exceeding 0.6 metres in height above the adjoining highway carriageway shall be placed, allowed to grow or be maintained within the visibility splays so defined.
REASON : In the interests of highway safety.
- 8 Before the development hereby permitted is begun, the further written approval of the District Planning Authority shall be obtained for details of the design and construction of the estate roads and footways serving the development. These details shall include large scale plans and cross and longitudinal sections, showing design, layout, construction of the estate together with surface water drainage to outfall.
REASON : To ensure compliance with the Council's standards.
- 9 The dwellings hereby permitted shall not be occupied until the proposed estate roads, footways and individual means of access have been constructed to base course level and street lighting provided in strict compliance with the details

approved in writing by the District Planning Authority.

REASON : To ensure compliance with the Council's standards.

- 10 Before the development hereby permitted is commenced details, including a plan and sections, showing the means of disposal of surface water from the development shall be submitted to and approved by the District Planning Authority. The details shall provide for the surface water flow to be attenuated by storage, to balance flows, to ensure that the flow leaving the site does not exceed 3.6 litres/second/hectare. The storage required is to be determined using the amount of run-off generated by 360 minute 30 year design storm.
REASON : To ensure compliance with the Council's standards.
- 11 There shall be no discharge of foul or contaminated surface water from the site into either the groundwater system or any surface waters. Foul water should be directed into the main sewerage system provided that adequate capacity for such additional flows is available.
REASON : To prevent pollution of the Water Environment, in accordance with Policy (DW) ENV3 of the Warwick District Local Plan 1995 and Policy DP9 of the Warwick District Local Plan 1996-2011 (First Deposit Version).
- 12 All surface water drainage shall be passed through trapped gullies, designed and constructed in accordance with BS 8301:1985 and of a capacity compatible with the site being drained, prior to being discharged into any watercourse, surface water sewer or soakaway system. Roof water should not be passed through the interceptor.
REASON : To prevent pollution of the Water Environment.
- 13 The garages together with their associated driveways and the car parking areas hereby permitted shall be constructed concurrently with the respective dwellings to which they relate and no dwelling shall be occupied until its respective garage, driveway or allocated parking space is completed in accordance with the approved plans, unless otherwise agreed in writing by the District Planning Authority.
REASON : To ensure that adequate parking facilities are available before the dwelling is occupied.
- 14 The car parking areas hereby permitted shall be properly consolidated, surfaced, drained and the spaces demarked on the ground to the satisfaction of the District Planning Authority.
REASON : To ensure that adequate parking facilities are available.
- 15 The garaging (including driveways) and car parking areas hereby permitted shall be used for the parking of private vehicles for the benefit of the occupants of the dwellings to which they relate and shall be retained and kept available for such purposes and shall not be altered either internally or externally without the prior consent of the District Planning Authority.
REASON : To ensure that adequate parking facilities are retained for use in connection with the dwellings to which they relate.
- 16 No development shall commence until there has been submitted to and approved in writing by the District Planning Authority a scheme of landscaping which shall

include details of all new tree and shrub planting, seeding, surface treatments, screenwalls, fences and boundary treatments. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted. Any trees or plants removed, dying, being damaged or becoming diseased within five years of planting shall be replaced in the next planting season with others of a similar size and species to those originally required to be planted.

REASON : To enhance the visual amenity and environmental quality of the site, in accordance with Policy (DW) ENV3 of the Warwick District Local Plan 1995 and Policy DP1 of the Warwick District Local Plan 1996-2011 (First Deposit Version).

- 17 No work of any kind shall be begun on the site until protective fencing around the trees and hedgerows identified as being retained on the approved plans, has been erected and the fencing has been confirmed in writing to be acceptable by the District Planning Authority. Within the approved fenced areas there shall be no scaffolding, no stockpiling of any materials or soil, no machinery or other equipment parked or operated, no traffic over the root system, no changes to the soil level, no site huts, no fires lit and no excavation of trenches for drains, service runs or for any other reason.

REASON : To maintain the continued health of the existing trees and hedgerows.

- 18 The stock sizes for all new trees to be planted shall be a minimum of 12-14 cms.

REASON : To ensure the visual and environmental quality of the site.

- 19 `No development shall be carried out on the site which is the subject of this permission, until details of the following matters have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details:-

- a) drainage runs adjacent to existing hedges and trees;
- b) existing and proposed land levels adjacent to existing hedges and trees;
- c) the treatment of the existing hedgerow adjacent to plots 1012-1049.

REASON : Inadequate details were submitted for these matters to be fully and properly considered in respect of the approval hereby granted.

- 20 With regard to the dwellings on Plots 1012-1049 (inclusive) and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no development shall be carried out which comes within Part 2 (Class A) of Schedule 2 of this Order, without the prior permission of the District Planning Authority.

REASON : To ensure the continued health of the hedgerow adjacent to these dwellings.

- 21 With regard to the dwellings on plots 1012, 1013, 1047-1049 (inclusive), 1050-1053 (inclusive), 1064-1067 (inclusive), 1068-1072 (inclusive), 1086-1090 (inclusive), 1091-1094 (inclusive), 1100-1103 (inclusive), 1108-1110 (inclusive) and 1115-1119 (inclusive) and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no development

shall be carried out which comes within Part 1 (Class A, B, E, G) of this Order where the development would front the private driveway, without the prior permission of the District Planning Authority.

REASON : To protect and enhance the amenities of the area.

22 No development shall be carried out on the site which is the subject of this permission, until details of existing and proposed ground levels of the development, including the finished floor levels of the dwellings and compass point section across the site have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such details.

REASON : Insufficient details were submitted for this matter to be fully and properly considered in respect of the approval hereby granted.

23 The development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the District Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the District Planning Authority

REASON : In the interests of fire safety
